



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

South Dakota Department of Agriculture
523 East Capitol Avenue, Foss Building
Pierre, South Dakota 57501-3182

Date Issued: 4-15-2010
Expiration Date: 4-15-2011 *JSB*
Report Due: 10-15-2011
File Symbol: 10SD02

Attn: Brad Berven

The Environmental Protection Agency hereby grants a specific exemption under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to the South Dakota Department of Agriculture (SDDA) for use of anthraquinone to repel ring-necked pheasants on sunflower seed.

Conditions of this exemption are given below:

1. The SDDA is responsible for ensuring that all provisions of this specific exemption are met. It is also responsible for providing information in accordance with 40 CFR 166.32. Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and the EPA Regional office within 6 months following the expiration of this exemption, or prior to requesting another specific exemption for this use. In accordance with 40 CFR 166.32(a), these offices shall also be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.

Any future correspondence regarding this exemption should refer to file symbol: 10SD02.

2. The unregistered product, Avipel[®] Liquid Sunflower Seed Treatment (containing 50.0% anthraquinone), manufactured by Arkion Life Sciences, may be applied. The Use Directions and full container labeling submitted with this application package is to be used with the following revisions to the proposed Section 18 Use Directions:

a. Due to the positive test for hypersensitivity in the liquid formulation of anthraquinone, please incorporate the following: "Prolonged or frequently repeated skin contact may cause an allergic reaction in some individuals."


3. Avipel[®] Liquid Sunflower Seed Treatment may be applied directly to sunflower seed at a maximum rate of 13.5 fl. oz. of product per 100 pounds of sunflower seed (planted at 2.33 lbs of seed per acre this is equivalent to 0.012 lb. a.i./A). A maximum of 350

gallons (1,718 lbs. a.i.) of product may be used. For this product, a maximum of 1 application may be made per acre per season.

4. Sunflower seed sufficient to plant a maximum of 142,500 acres may be treated in South Dakota under this specific exemption.
5. All applicable directions, restrictions, and precautions on the Section 18 labeling must be followed unless otherwise modified in this authorization document.
6. Treated seed must not be used for food, feed or oil processing (left-over treated seed should not be stored, but should be double-sown around the headland).
7. Treated seed must be adequately dyed in accordance with 21 CFR § 2.25 to prevent use as a food or feed item.
8. Stocks of the unregistered product Avipel[®] Liquid Sunflower Seed Treatment may be produced and introduced into the channels of trade as part of this authorization in accordance with 40 CFR 152.30(e). Any unused, unregistered product must either be returned to the manufacturer or distributor (unopened containers) or disposed of in accordance with Resource Conservation and Recovery Act regulations following the expiration of this specific exemption.

This is the second year this request has been submitted under Section 18 of FIFRA and the first year EPA has approved this request for SDDA. This use is included on the IR-4 workplan for developing magnitude of residue data. Thus, progress towards registration is considered adequate. For future emergency exemption requests for this use, the state must submit data on sunflower yield loss and substantiate population trends for the ring-necked pheasant.

If you have any questions regarding this authorization, please contact Marcel Howard of my staff at (703) 305-6784, or by email: howard.marcel@epa.gov.


Steven Bradbury, Ph.D, Acting Director
Office of Pesticide Programs

Date: 4/16/10

cc: US EPA Region 8
Barbara Barron, Judy Bloom, Tim Osag